

**PRELIMINARY AMENDMENT AND RESPONSE
TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS**

Docket No.: Q96727

Application No.: 10/591,614

REMARKS

Status of the Claims

Claims 1-13 are all the claims pending in the application. Claims 7-12 are withdrawn from consideration as being directed to non-elected inventions. Claim 13 has been added herewith. New Claim 13 recites a thiazole derivative or a pharmaceutically acceptable salt, which is directed toward an elected invention, as described below. Exemplary written description support for Claim 13 may be found in instant specification at page 4 to page 12.

Entry and consideration of this amendment are respectfully requested.

Response to Restriction and Election of Species Requirement

In response to the Restriction Requirement, Applicant elects Group II, Claims 1-6, drawn to a compounds of formula 1, wherein one of X^1 is S, and X^2 is C, and R^1 is condensed phenyl selected from benzothiazolyl, benzoxazolyl or benzo(1,3)dioxolyl. of formula 1.

Election of Species

On page 3 of the Office Action, the Examiner has stated that in an election of any of Groups I-XI, the following election is further required:

(1) an election of a single compound (or set of compounds) including an exact definition of each substitution on the base molecule (Formula 1), wherein a single member at each substituent group or moiety is selected;

(2) an election of one representative for each A, R^1 - R^2 , and X^1 - X^2 in formula 1 and a point of attachment of each elected substituent; and

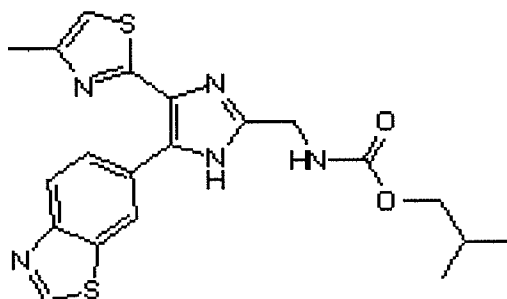
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(3) an election of which one of X^1 or X^2 is S and which is C and the positions of heteroatoms in condensed phenyl or condensed pyridyl must be identified or identify the pages of the specification where the structure of the selected condensed rings can be formed.

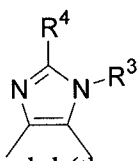
In response to the Examiner's requirement, Applicant elects, the following compound:



The above-identified compound is entitled Compound 194 and is found in the instant specification at page 118.

With regard to an election of one representative for each A, R^1 - R^4 , and X^1 - X^2 in formula 1, Applicants elect the following:

A:



R^1 : benzothiazolyl (the point of attachment is seen in Formula 1)

R^2 : methyl (the point of attachment is the C adjacent to N)

X^1 : S

X^2 : C

R^3 : H

R^4 : $-Y^1-Z^1-NR^5-Z^2-Y^2-R^5$, wherein $-Y^1-Z^1$ is $-CH_2-$ (one of Y^1 and Z^1 is a single bond and the other is methylene); R^5 is hydrogen; Z^2 is $-CO_2-$, Y^2 is 2-methylpropan-1,3-diyl, and R^6 is hydrogen.

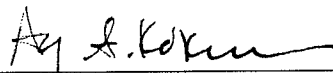
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Claims 1-6 are readable on the elected species. Applicant reserves the right to file a Divisional Application directed to non-elected claims 7-12.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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